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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,470	09/22/2003	Tsukasa Ueno	275269/02	1672
21254 7590 07/17/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER WIN, AUNG T	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/665,470

Applicant(s)

UENO, TSUKASA

Examiner

Aung T. Win

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

Claims 4 & 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 4 & 7 recites a mobile terminal performing a wireless communication with a maintenance device. Examiner requests a drawing or cited disclosure supports such claimed feature.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 1-3, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes et al. (US006484029B2) in view of Tsubaki et al. (US20030032400A1).

1.1 Regarding Claims 1 & 10, Hughes discloses a wireless LAN system having an access point connected through a wire network [Access point 12 or 14: Figure 1] and a mobile terminal [18, 20 & 22: Figure 1] performing a wireless communication with said access point. Hughes discloses that mobile station is reconfigured by selecting the operating frequency information [frequency table: Column 3, Line 20-40] after user verified the area information by inputted information to said mobile terminal [User input Yes or No to verify the country information: Column 4, Line 3-14] at the time of setting a frequency for performing a wireless communication with access point. It is obvious to one of ordinary skill in the art that mobile terminal must be implemented with wireless communication circuit as claimed to perform a wireless communication with each other by means of the wireless frequency selected by said selection circuit [Column 3, Line 36-40]. As stated above, Hughes teaches that user input information to verify area information for selecting frequency to communicate with access point. Hughes does not explicitly teaches the user inputting area information to the mobile device.

Tsubaki discloses wireless receiver configured to retuning the frequency based on area information inputted to the receiver by the user [Manually inputting current location: 0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify the mobile terminal of the Hughes's system with

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manually setting current location feature as taught by Tsubaki. One of ordinary skill in the art at the time of invention of made to do this to provide improved mobile registration method of Hughes's system by implementing alternative manual current location setting.

1.2 Regarding Claims 2 & 11, Hughes discloses frequency table [Column 3, Line 20-40], which include country information and all permitted wireless regulatory and operating frequency characteristic information.

1.3 Claims 3 & 12 are rejected for the same reason as stated above in Claim 1 rejection. Hughes discloses that selection circuit performs reception operations by means of all wireless frequency values permitted in said area [i.e., communicating in accordance with all permitted wireless regulatory and operating characteristic information: Column 3, Line 20-40]. Hughes also discloses that mobile station and access point communicates based on mobile adjusted operating frequency by selecting operating frequency out of available frequency sets information received from access point [Column 2, line 10-15] [Column 2, Line 60 – Column 3, Line 6]. Hughes also discloses displaying permitted wireless regulatory and operating frequency characteristic information of available frequency sets to the user [Column 3, Line 41-50].

2. Claims 4, 7, 13, 16 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halasz (US006732163B1) in view of Tsubaki (US20030032400A1).

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2.1 Regarding Claims 4, 7, 13, 16 & 17, Halasz disclose a wireless LAN system and method having an access point [base station: Figure 2A] connected through wire network [10: Figure 2A], and mobile terminal performing wireless communication with said access point. Halasz discloses that the access point selects usable operating frequency from the list of operating frequencies [Column 10, Line 7-21] for communicating with the mobile unit [Column 7, Line 49-60] [Column 8, Line 28-30] [Column 9, Line 37-48] [Column 10, Line 22-54]. Therefore, it is obvious to one of ordinary skill in the art that access point must have selection circuit for selecting frequency and communication circuit for communicating with portable mobile unit. Halasz fails to disclose maintenance device.

Tsubaki discloses a wireless transceiver for selecting frequency based on information received from the position locator circuit (claimed maintenance device) which can be configured for inputting location information [0037] that is external from the wireless transceiver [the position location circuit can be local communication with the receiver: 0011]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify Halasz's wireless LAN system as taught by Tsubaki for selecting frequency as claimed. One of ordinary skill in the art would have been motivated to do this to provide improved method in reconfiguring access point based on usage location.

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3. Claims 5, 6, 8, 9, 14, 15, 18, 19 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halasz (US006732163B1) in view of Tsubaki (US20030032400A1), further in view of Hughes et al. (US006484029B2).

3.1 Regarding Claims 5, 8, 14 & 18, modified system and method discloses all the limitations as stated above but does not explicitly disclose permitted wireless frequency values.

Hughes discloses a wireless LAN system having an access point [Access point 12 or 14: Figure 1] performing wireless communication with the access point in accordance with country information and all permitted wireless regulatory and operating frequency characteristic information stored in frequency table [frequency table: Column 3, Line 20-40].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the frequency information loaded to the access point with permitted frequency values information as taught by Hughes. One of ordinary skill in the art would have been motivated to do this to ensure that the operation of access point is complying with all permitted wireless regulatory of operating countries or regions.

3.2 Claims 6, 9, 15 & 19 are rejected for the same reason as stated above in Claim 5 rejection. It is obvious to one of ordinary skill in the art that modified system would selected the operating frequency as claimed because Halasz teaches that operating

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frequency is selected from frequencies operating in different regions [Halasz: Figure 3] [Halasz: Column 7, Line 49-60] [Halasz: Column 8, Line 28-30] [Halasz: Column 9, Line 37-48] [Halasz: Column 10, Line 22-54].

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halasz (US006732163B1) in view of Tsubaki (US20030032400A1), further in view of Hughes et al. (US006484029B2).

4.1 Regarding Claim20, Halasz disclose a wireless LAN system and method having an access point [base station: Figure 2A] connected through wire network [10: Figure 2A], and mobile terminal performing wireless communication with said access point. Halasz discloses that the access point selects usable operating frequency from the list of operating frequencies [Column 10, Line 7-21] for communicating with the mobile unit [Column 7, Line 49-60] [Column 8, Line 28-30] [Column 9, Line 37-48] [Column 10, Line 22-54]. Therefore, it is obvious to one of ordinary skill in the art that access point must have selection circuit for selecting frequency and communication circuit for communicating with portable mobile unit. Halasz fails to disclose maintenance device.

Tsubaki discloses a wireless transceiver for selecting frequency based on information received from the position locator circuit (claimed maintenance device) which can be configured for inputting location information [0037] that is external from the wireless transceiver [the position location circuit can be local communication with the receiver: 0011]

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify Halasz's wireless LAN system as taught by Tsubaki for selecting frequency as claimed. One of ordinary skill in the art would have been motivated to do this to provide improved method in reconfiguring access point based on usage location.

Modified method does not explicitly discloses permitted wireless frequency values.

Hughes discloses a wireless LAN system having an access point [Access point 12 or 14: Figure 1] performing wireless communication with the access point in accordance with country information and all permitted wireless regulatory and operating frequency characteristic information stored in frequency table [frequency table: Column 3, Line 20-40].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the frequency information loaded to the access point with permitted frequency values information as taught by Hughes. One of ordinary skill in the art would have been motivated to do this to ensure that the operation of access point is complying with all permitted wireless regulatory of operating countries or regions.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DUC M. NGUYEN  
SUPERVISORY PRIMARY EXAMINER  
TECHNOLOGY CENTER 2600

Aung T. Win  
Group Art Unit 2617  
December 11, 2006